

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| Thomas Lance Keith,                   | ) | C/A No.: 8:08-CV-1824 |
|                                       | ) |                       |
| Plaintiff,                            | ) | <b>ORDER</b>          |
|                                       | ) | (Written Opinion)     |
| v.                                    | ) |                       |
|                                       | ) |                       |
| Richland County Sheriff's Department; | ) |                       |
| and Solicitor's Office 5th Circuit,   | ) |                       |
|                                       | ) |                       |
| Defendants.                           | ) |                       |
| _____                                 | ) |                       |

This matter comes before the Court for review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., and filed on July 15, 2008. Plaintiff filed this action on May 9, 2008, alleging civil rights violations pursuant to 42 U.S.C. § 1983. The magistrate recommends dismissing the plaintiff's complaint, *without prejudice* and without issuance and service of process. Specifically, the magistrate recommends dismissing the defendants based on Eleventh Amendment immunity, absolute immunity, prosecutorial immunity, as well as the holding in *Heck v. Humphrey*, 512 U.S. 477 (1994). For the reasons stated herein, the recommendation of the magistrate is adopted, and the case is DISMISSED.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978).

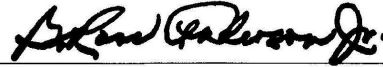
This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Plaintiff did not file any objections.

After a thorough review of the record, the Report and Recommendation, and the relevant case law, this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Report and Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT the plaintiff's complaint be dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

August 4, 2008  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**